

Remarks

In the Office Action dated September 9, 2004, the Examiner finally rejected all pending claims 1-23 under 35 U.S.C. 103(a) as being unpatentable over the combined disclosures of Runge *et al.* and Woerwag *et al.*. Applicant herein amends claims 1, 10-13, 19, and 21-22, and files a Request for Continued Examination along with this Amendment.

The examiner noted that the nature of the skin damage is not recited in the claims as a feature of the invention. Applicant herein amends the claims to more precisely describe the invention recite the skin conditions to be treated by the claimed composition (as is described in and supported by the specification). Specifically, those skin conditions and damage to cells of the skin, affected by, i.e. caused or worsened by, the glycation of proteins of the cells of the skin. See application, ¶¶9-10. As the specification explains, glycation of proteins in the cells of the skin causes a loss of skin elasticity and the breakdown of collagen. The damaging and skin aging effects of the presence of glycated proteins include inflammation, irritation, erythema, wrinkles, fine lines, uneven coloring and lipofuscin. Glycated proteins also produce toxic free radicals which in turn have multiple damaging effects on cells. The present invention thus prevents and treats skin aging, skin damage including inflammation and erythema, and prevents the production of toxic free radicals.

These conditions are distinct from the cursory disclosure of benfotiamine as one of several potential adjunct ingredients in carotenoid formulations for cosmetic preparations and supplements (See Runge col. 3, lines 3-4) and as pharmaceutical to treat a viral infection causing a nerve disorders which incidentally has temporal symptoms that manifest on the skin. (See Woerwag *et al.*). Neither of these references alone, nor in combination, discloses or suggests benfotiamine for the prevention of glycation of the skin, and further, resultant formation of toxic free radicals, or the improvement and

Page 6
Serial No. 10/625,244
Response to Official Action

treatment of skin affected, damaged or aged by glycation and/or its effects on the cells of the skin (e.g. free radical production), to render the

Applicant respectfully asserts that the Amendment renders all pending claims in condition for allowance, and early notice of such is requested

Respectfully submitted,



Stephen P. McNamara, Registration No. 32,745
Helen M. Limoncelli, Registration No. 51,950
Attorneys for Applicant
ST.ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905-5619
203 324-6155